

range setting and outside data reception, classified in Class 340, subclass 995; Group III (claims 22-28) drawn to a display system for data from network servers, classified in Class 395, subclass 200.5; and Group IV (claims 47-48) drawn to a display system for displaying facilities on a map, classified in class 340, subclass 995, Applicants respectfully elect, with traverse, the invention of Group I directed to claims 1-4 and 49-52. The traversal is premised on the followings:

Under M.P.E.P. §806.05 and §808.02, even if the related inventions as claimed are shown to be distinct, the Examiner must still show by appropriate explanation one of the following: (1) separate classification thereof, (2) separate status in the art when they are classifiable together; (3) a different field of search. In the present situation, the Examiner has not provided explanations as to why the different species of elected or non-elected inventions contain separate classification, separate status and/or require a different field of search. In fact, the Examiner has expressly admitted that at least the elected Group I and non-elected Groups II and IV share the same classification (Class 340, subclass 995), and that many of the claims of non-elected Groups II, III and IV share similar scope as that recited in the elected invention as defined, for example, in independent claim 1. A search of the many apparatus claims of the elected Group I would inherently include claims 5-48 of the non-elected Groups II, III and IV as defined. M.P.E.P. §803 states, in part:

“If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

In the present situation, there is no undue burden on the Examiner to search and examine the entire application.

In view of the foregoing reasons, Applicants respectfully submit that the Examiner has not satisfied the criteria for a restriction requirement under M.P.E.P §803, nor has the Examiner demonstrated any serious burden for a search and a complete examination of all claims on the merits. Accordingly, Applicants respectfully request that such a restriction requirement be withdrawn in favor of a complete examination of all pending claims in this instant application. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (503.35636PX1) and please credit any excess fees to such deposit account.

Respectfully submitted,

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